

1984 S.C. Op. Atty. Gen. 297 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-128, 1984 WL 159934

Office of the Attorney General

State of South Carolina

Opinion No. 84-128

November 2, 1984

*1 The Honorable E. Harry Agnew, III
Member
House of Representatives
District No. 8—Anderson County
Box 1073
Anderson, South Carolina 29622

Dear Representative Agnew:

In a letter to this Office the question was asked as to whether there is any authority for pronouncements of the continued exercise of authority by an officer whose term has ended and whose successor has been selected and qualified. In particular, the question was raised as to whether a former officer's name may be used on certain contracts executed by an agency with which the officer was formerly associated even though the officer's term has ended and such officer has made no further claim to the office.

It is a well-recognized principle of law that where an officer's term has ended and his successor has been selected and qualified, and thus the officer no longer possesses such office either de jure or de facto, all authority for that officer automatically terminates. [Smith v. City Council of Charleston](#), 198 S.C. 313, 17 S.E.2d 860 (1940). Thus, it is self-evident that in such circumstances where an officer's successor has been selected and has qualified and no further claim is made to an office by the officer, such officer has no legal authority as to matters associated with his previously held office. Furthermore, in a situation where the public has been put on notice as to the conclusion of the term of an officer, any further pronouncements utilizing the officer's former status would be inconsistent with the fact that he no longer makes any claim to such office. 63 Am.Jur.2d Public Officers and Employees, Section 271, p. 788.

With best wishes, I am

Very truly yours,

Charles H. Richardson
Assistant Attorney General

1984 S.C. Op. Atty. Gen. 297 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-128, 1984 WL 159934

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.